

Draft of 07.02.14

Chadds Ford Township
Delaware County, PA

Board of Supervisors' Meeting
Wednesday, June 04, 2014
7:00PM

Officials Present

Keith Klaver, Chairman
George Thorpe, Vice Chairman
Frank Murphy, Supervisor
Hugh Donaghue, Solicitor
Joe Mastronardo, Engineer
Matt DiFilippo, Secretary

Call to Order

Chairman Klaver called the regular meeting to order 7:00PM.

Presentation

Debbie Reardon, Open Space Committee, introduced John Snook of the Brandywine Conservancy.

Mr. Snook gave a presentation on the Brandywine Valley Scenic Byway Corridor Management Plan. He reviewed the historic districts, discussed the municipalities involved and their respective historic inventories, open space conservation and enhancement priorities, visually significant landscapes, comprehensive planning, roadside character, nurturing visitorship, signage, management and collaboration. He offered the following website for more information: <http://brandywinevalleybyway.org>.

Call to Order

Chairman Klaver called the regular meeting to order at 7:34PM.

Motion for Approval of Minutes

Upon motion and second (Murphy/ Thorpe) the workshop minutes of April 30, 2014 were approved. Motion passes.

Upon motion and second (murphy/ klaver) the regular meeting minutes of May 12, 2014 were approved. Vice Chairman Thorpe abstained. Motion passes.

Supervisors' Report

The Supervisors reported holding executive session on May 28, 2014 to discuss legal and personnel matters and June 4, 2014 to discuss legal, personnel and real estate matters. The

Supervisors introduced the new Township inspector, Brian Swift. They also announced newly appointed member to the Planning Commission, Tom Singer. Finally, Chairman Klaver announced Township Manager Judy Lizza tendered her resignation on June 1, 2014 for personal reasons.

Manager's Report

Chairman Klaver summarized the manager's report: Fire Marshal Mike Daily held CPR classes and the DEP awarded the Township the Act 101 Grant for recycling from 2012 in the amount of \$2,252.00.

Treasurer's Report

Secretary DiFilippo reported the financial condition for May 2014.

GENERAL FUND

May 2014 General Fund Unrestricted Balance: \$846,481.68

RECEIPTS

Miscellaneous Collections and Reimbursements:	\$63,910.86
R.E.Tax Collections (March 1 – 21, 2014):	\$392,296.84
CFTSA Repayment of Loan:	\$225,000.00
Comcast Franchise Fees (1 st Qtr, 2014):	\$12,092.94
Verizon Franchise Fees (1 st Qtr, 2014):	\$12,319.28
April 2014 Monthly Deed Reconciliation:	<u>\$12,874.75</u>
TOTAL RECEIPTS:	\$718,494.67

DISBURSEMENTS

Bills, Wages and Vendor Payments:	<u>\$83,207.75</u>
TOTAL DISBURSEMENTS:	\$83,207.75

Motion for Disbursements

Upon motion and second (Murphy/ Thorpe) the Board approved the General Fund disbursements in the amount of \$83,207.75.

OPEN SPACE FUND

End of 1st Quarter Balance \$1,280,025.28

ESCROW FUND

Motion

Upon motion and second (Murphy/ Klaver) the Board approved the release of Garnet Ford, 1610 Wilmington Pike, Land Development and Security Improvements escrows totaling to the amount of \$25,610.72 and retaining \$466.25 for a final engineering bill.

Motion Discussion

Engineer Mastronardo reported that the landscaping had been completed according to

plan; however, Vice Chairman Thorpe discussed that he observed that, in his opinion, there were still landscaping issues requiring some additional plantings. Vice Chairman suggested tabling the motion for his and Engineer Mastronardo's review.

Motion Decision

Motion denied.

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved the release of Ridge Road Commercial SALDO escrow in the amount of \$11,258.43 pertaining to work at Ridge Road and Wilmington Pike. Decision: Motion passed unanimously.

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved the release of Ridge Road Commercial Security Improvements Escrow in the amount of \$3,000.00 pertaining to work at Ridge Road and Wilmington Pike. Decision: Motion passed unanimously.

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved the release of Ridge Road Commercial Grading Escrow in the amount of \$851.06 pertaining to work at Ridge Road and Wilmington Pike. Decision: Motion passed unanimously.

Engineer's Report

Engineer Mastronardo submitted a written report.

Old Business

There was no old business to discuss.

New Business: Resolution 2014 – 21, 1421 Wilmington Pike, Audi, Conditional Use Approval
Solicitor Donaghue introduced Resolution 2014 – 21, 1421 Wilmington Pike, Audi, Conditional Use approval.

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved resolution 2014 – 21, 1421 Wilmington Pike, Audi, Conditional Use approval.

Motion Discussion

The Board discussed the landscaping plan and test drive route. Larry Strohm, solicitor representing the applicant, clarified compliance with the landscaping plan and a revised test drive route.

Motion Decision

Motion passes unanimously.

New Business: Resolution 2014 – 22, 1751 Wilmington Pike, Brandywine Mills, Sewage Planning Facilities Module

Motion

Upon motion and second (Thorpe/ Murphy) the Board approved resolution 2014 – 22, 1751 Wilmington Pike, Brandywine Mills, Sewage Planning Facilities Module.

Motion Discussion

There was no discussion.

Motion Decision

Motion passes unanimously.

New Business: Resolution 2014 – 23, DCED Grant, Act 537 Reimbursement

Motion

Upon motion and second (Thorpe/ Murphy) the Board approved resolution 2014 – 23, authorizing the Township to seek reimbursement for the Act 537 Plan through the Department of Community and Economic Development.

Motion Discussion

There was no discussion.

Motion Decision

Motion passes unanimously.

New Business: Resolution 2014 – 24, 1833 Wilmington Pike, Not Your Average Joe's SALDO
Solicitor Donaghue introduced the resolution. Mike Lyons, solicitor for the applicant, Steven Silverstein, applicant and owner of the restaurant, were on hand to respond to inquiries. The following items were discussed: outdoor food service will be available, there will be no live outdoor entertainment, there will be no outdoor bar, there will be an emergency exit and fences will be constructed around the patio dining area and between the building and Springhill Farm residences.

Motion

Upon motion and second (Thorpe/ Murphy) the Board approved resolution 2014 – 24, 1833 Wilmington Pike, Suite 561, Not Your Average Joe's Subdivison and Land Development.

Motion Discussion

Mike Lyons described the new plans for the outdoor dining reducing the seating to 50 and using the existing sidewalk. Chuck Olivo, engineer for the applicant, described sprucing up the landscape buffer and building a fence. Supervisor Murphy confirmed there would be no live outdoor entertainment, no amplified music, no T.V.'s and no outdoor bar. Vice Chairman Thorpe inquired about the lighting, landscaping buffer and

snow removal on a gravel surface versus a hard surface walkway from the rear parking lot to the front door, which both Engineer Mastronardo and Solicitor Donaghue responded to and clarified.

Public Comment

Kathleen Goodier, Webb Road, inquired about fee in lieu amounts. Solicitor Donaghue confirmed the applicant would comply with the Fee in Lieu.

Mary Anne Booth, Jane DelSordo and Andrea Young, Springhill Farm, asked if the shopping center was responsible for the landscaping buffer, about the patio, the back door, food and alcohol service relative to hours of operation, enforcement of noise and enforcement of construction work going on before or after hours allowed by Township code to conduct such work with respect to construction hours. Supervisor Murphy responded that code enforcement will be addressed by the code enforcement officer, requiring construction starts to begin no earlier than what's allowed by Township Code (7AM – 7PM, Monday – Friday and 9AM – 4PM, Saturday and Sunday). In the future, if violations are noted, Vice Chairman Thorpe suggested residents' documenting such enforcement issues so that a stop work order could be issued by the Township's code enforcement officer. Chairman Klaver thanked the applicant, Not Your Average Joe's for understanding neighbor's concerns and adhering to their requests.

Motion Decision

Motion passes.

Vestibule Waiver Request: 1833 Not Your Average Joe's, Suite 561, Glen Eagle

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved the vestibule waiver for Not Your Average Joe's. Decision: Motion passes unanimously.

Sewer Authority: Intermunicipality and Capacity Agreement

The Board agreed to defer this item to next month's regular meeting.

Infrastructure Money Market Account from Cornerstone Bank to TD Bank

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved transferring the Township's infrastructure Certificate of Deposit up for maturity from Cornerstone Bank to TD Bank. Supervisor Murphy abstained. Decision: Motion passes, 2 – 1.

Meridian Bank Infrastructure CD Maturity

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved renewing the Meridian CD for another year. Decision: Motion passes unanimously.

Motion to Eliminate DNB Brandywine Drive Money Market Account and Transfer all Funds to General Fund

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved eliminating the Brandywine Drive Money Market Account and Transferring all funds to the General Fund.

Motion Discussion

Vice Chairman Thorpe expressed concern as to whether or not there are certain restrictions for this fund because of an informal understanding as to the possible use of these funds. Chairman Klaver responded that the cost of maintenance on Brandywine Drive has been charged to the General Fund for several years. Furthermore, the Township is well over budget for snow removal and salt purchases in 2014 and the transfer will fund this year's deficiency. Solicitor Donaghue stated that there were no legal restrictions to the fund.

Motion Decision

Motion passes (2 – 0 – 1). Vice Chairman Thorpe abstained.

2014 Road Program and 5 Year Update

Vice Chairman Thorpe postponed the presentation until next month since he was not ready to make the recommendation.

Ordinance 128: Noxious Vegetation Ordinance

There was discussion about the Noxious Vegetation ordinance primarily focusing on the following: enforcement and prohibition within the public right-of-way and on private property, compliance, removal techniques, and distance of encroachment from property boundaries.

Motion

Upon motion and second (Murphy/ Thorpe) the Board authorized the Manager to advertise a hearing for Ordinance 128 Noxious Vegetation for July 2, 2014.

Motion Discussion

Kathleen Goodier, Webb Road, asked if included vegetation other than bamboo, which is included in the draft ordinance.

Motion Decision

Motion passes unanimously.

Ordinance 129: Marshall Road Speed Limit Reduction

Supervisor Murphy introduced the ordinance and discussed the goal of decreasing all Township residential road speed limits to 25MPH.

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved advertising Ordinance 129: Marshall Road Speed Limit Reduction.

Motion Discussion

Valerie Hoxter, Painters Crossing, asked what the speed limit was on Brandywine Drive. Supervisor Murphy responded.

Motion Decision

Motion passes unanimously.

HARB Certificate of Appropriateness: 1617 Baltimore Pike, Brandywine Prime

Motion

Upon motion and second (Murphy/ Thorpe) the Board approved the Certificate of Appropriateness for Brandywine Prime at 1617 Baltimore Pike. Decision: Motion passes unanimously.

General Public Comment

Debbie Reardon, Tally Ho Drive, reported incidents of drag racing on Baltimore Pike and suggested State Police patrolling and speed traps.

Ron Coates, Painters Crossing, complained about the new traffic signal patterns at Baltimore and Wilmington Pikes; furthermore, he suggested a “no u-turn” sign at Painter’s Crossing’s lower entrance.

Adjournment

Upon motion and second (Murphy/ Klaver) the Board adjourned the meeting at 9:08PM.

Respectfully submitted,

Matt DiFilippo
Secretary